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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSE DANIEL CORTEZ,

Defendant and Appellant.

F066816

(Kern Super. Ct. No. BF144979A)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Kern County. John R. Brownlee, Judge.

Julia Freis, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the Attorney General, Sacramento, California, for Plaintiff and Respondent.

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\* Before Gomes, Acting P.J., Poochigian, J. and Franson, J.

## **INTRODUCTION**

Appellant/defendant Jose Daniel Cortez pleaded no contest to possession of a stolen vehicle (Pen. Code, § 496d, subd. (a)) and was sentenced to the stipulated second strike term of four years in prison. On appeal, his appellate counsel has filed a brief that summarizes the facts with citations to the record, raises no issues, and asks this court to independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) We affirm.

## **FACTUAL AND PROCEDURAL HISTORY**

On or about November 3, 2012, defendant was found in possession of a stolen 1992 Honda Accord.

On November 6, 2012, a felony complaint was filed which charged defendant and a codefendant with count I, possession of a stolen vehicle. Defendant was separately charged with count II, misdemeanor possession of burglary tools (Pen. Code, § 466). It was further alleged defendant had four prior strike convictions.

On November 21, 2012, prior to the preliminary hearing, defendant pleaded no contest to possession of a stolen car and admitted the four prior strike convictions. The court granted the prosecutor's motion to dismiss the charge against the codefendant. Defendant stipulated to a factual basis and waived preparation of a probation report. Over the People's objections, the court indicated it would dismiss three prior strike convictions and sentenced defendant to the midterm of two years, doubled to the second strike sentence of four years.

On February 6, 2013, the court conducted an in camera hearing and denied defendant's motion to withdraw his plea. The court granted defendant's request and dismissed three prior strike convictions. It imposed the midterm of two years, doubled to four years as the second strike term.

Defendant filed a notice of appeal and obtained a certificate of probable cause.

### **DISCUSSION**

As noted above, defendant's counsel has filed a *Wende* brief with this court. The brief also includes the declaration of appellate counsel indicating that defendant was advised he could file his own brief with this court. By letter on October 25, 2013, we invited defendant to submit additional briefing. To date, he has not done so.

After independent review of the record, we find that no reasonably arguable factual or legal issues exist.

### **DISPOSITION**

The judgment is affirmed.